

CHAPTER 11-05 CONSOLIDATION OF COUNTIES

11-05-01. Definition of terms. Repealed by S.L. 1993, ch. 401, § 53.

11-05-02. Board of county commissioners to submit consolidation plan to electorate. If a county consolidation plan is submitted to two or more boards of county commissioners pursuant to chapter 11-05.1, each board of county commissioners shall submit the question of consolidation to the qualified electors of the county at a primary election as specified by the county consolidation committee in conjunction with the election held in any other counties proposed to be affected by the plan.

11-05-03. Consolidation of all territory within organized county with two or more counties - Petitions required - Election. Repealed by S.L. 1993, ch. 401, § 53.

11-05-04. Notice of election - How given. The county auditor of each of the counties affected shall publish once each week for at least two consecutive weeks prior to the election in the official newspaper of the county a notice giving the date of the primary election, the hours during which the polls will be opened, a reference to the notice of the primary election for a statement of the places where the election will be held, the names of the counties affected, and a fair and accurate summary of the consolidation plan. The notice must state that the proposition to be voted upon will be:

Shall the corporate existence and governments of the county of _____ and the county (or counties) of _____ be consolidated into one county government pursuant to the consolidation plan?

11-05-05. Form of ballot. The ballots used at an election held under the provisions of this chapter must be in substantially the following form:

Shall the corporate existence and governments of the county of _____ and the county (or counties) of _____ be consolidated into one county government pursuant to the consolidation plan?

Below the question submitted, there must be printed:

Yes ☐

No ☐

11-05-06. Canvass of votes and returns - How made. The votes polled at an election held under the provisions of this chapter shall be canvassed and returned in the manner provided for canvassing votes polled at general elections.

11-05-07. Affirmative vote necessary to consolidate counties. A majority of the legal votes cast on the question of consolidation in each of the counties affected is necessary for approval of a county consolidation plan.

11-05-08. Resubmission of question. Repealed by S.L. 1993, ch. 401, § 53.

11-05-09. County auditor to notify secretary of state of result of election. Within ten days after the filing of the findings and certificates of the canvassing board on the question of consolidation in each of the counties, the county auditor of each county shall send a correct and duly certified abstract of the votes polled at the election to the secretary of state.

11-05-09.1. Officer elections. At the next succeeding general election after consolidation is approved by the voters and redistricting of the new county is accomplished pursuant to the consolidation plan, there must be elected for the new county all county officers provided for by general law or as prescribed in the approved consolidation plan, including members of the board of county commissioners. The terms for these offices begin on the first

Monday in January next succeeding their election, or on another date as prescribed in the approved consolidation plan, at which time they replace all elected county officers of the previous counties. All appointive county officers are appointed by the officer or board upon which the power to appoint that officer is conferred.

11-05-09.2. Consolidated county. On the first Monday in January following the election of county officers, or on another date as prescribed in the approved consolidation plan, the affected counties are for all purposes a single county as prescribed in the consolidated plan. All rights, privileges, and franchises of each of the counties, and all assets and liabilities, are deemed transferred to the new consolidated county. Any suit which may have been brought against a previous county may be brought, after consolidation, against the consolidated county.

11-05-10. Secretary of state to notify governor of result of election - Governor's proclamation. Repealed by S.L. 1993, ch. 401, § 53.

11-05-11. Equalization of assets and liabilities of counties. Repealed by S.L. 1993, ch. 401, § 53.

11-05-11.1. Arbitration of disagreement. Repealed by S.L. 1993, ch. 401, § 53.

11-05-12. Records and equipment transferred to adjoining county. Repealed by S.L. 1993, ch. 401, § 53.

11-05-13. Money and property delivered to adjoining county - Money to be kept in separate fund. Repealed by S.L. 1993, ch. 401, § 53.

11-05-14. When consolidation is complete. Repealed by S.L. 1993, ch. 401, § 53.

11-05-15. Officers of petitioning county to hold office until time expires - Duties. Repealed by S.L. 1965, ch. 98, § 54.

11-05-16. Judicial actions and proceedings transferred to courts of adjoining county. Repealed by S.L. 1993, ch. 401, § 53.

11-05-17. Trial of criminal cases transferred to adjoining county. Repealed by S.L. 1993, ch. 401, § 53.

11-05-18. Officers shall not be elected in petitioning county. Repealed by S.L. 1993, ch. 401, § 53.

11-05-19. Members of board of county commissioners of petitioning county to meet with board of adjoining county - Expiration of terms of officers of petitioning county. Repealed by S.L. 1993, ch. 401, § 53.

11-05-20. Board of county commissioners of adjoining county to redistrict new county. Repealed by S.L. 1993, ch. 401, § 53.

11-05-21. Compensation of commissioners of petitioning county - Vacancy not to be filled. Repealed by S.L. 1993, ch. 401, § 53.

11-05-22. Territory in petitioning county to remain in same legislative district until apportionment - Election of legislators - How conducted. Repealed by S.L. 1993, ch. 401, § 53.

11-05-23. Authority of officers of adjoining county. Repealed by S.L. 1993, ch. 401, § 53.

11-05-24. Petitioning and adjoining counties liable for only their own debts. Repealed by S.L. 1993, ch. 401, § 53.

11-05-25. Power of consolidated county to levy taxes to pay debts. If authorized in the approved consolidation plan, the board of county commissioners of the consolidated county has all the powers which the board of county commissioners of a previous county had at the time of the consolidation, to levy taxes upon the property in the territory which, prior to the consolidation, constituted the previous county, for the purpose of paying the debts and obligations of the previous county in existence at the time of consolidation.

11-05-26. Board of county commissioners of consolidated county may issue evidences of indebtedness. If authorized in the approved consolidation plan, the board of county commissioners of the consolidated county may compromise debts and obligations of a previous county and may issue bonds or certificates of indebtedness in settlement or compromise of, or to fund, those debts and obligations. Bonds or certificates issued under this section must bear upon their face a statement that the principal and interest to become due may be paid only from taxes levied upon the property within the territory which constituted the previous county prior to the consolidation.

11-05-27. Suits against petitioning county brought against adjoining county - Payment of judgment against petitioning county. Repealed by S.L. 1993, ch. 401, § 53.